IN THE HIGH COURT OF JUDICATURE AT BOMBAY

Appellate Side

Writ Petition No.8626 of 2004

M/s Ashwini Infradevelopment Pvt Ltd....Petitioner
vs
State of Mah and ors.. Respondents

Mr. Y S Jahagirdar Sr Adv with Mr K.S.Dewal for petitioners

Mr. Mr. P I Khemani AGP for Respondent no.l

Mr. R.S.Apte for respondent no. 2

CORAM: A.P.SHAH & S.C DHARMADHIKARI JJ.

Dated 4.ll.2004

P.C:

l. Heard advocates for the parties. Perused the affidavit of Asst Municipal Commissioner of Mira Bhayander Municipal Corporation. In the instant case the work order was placed on the petitioner on l8.6.2002. The time for completion of the work was fixed as ten months including rainy season i.e. upto l7.4.2003. However, it appears that the construction of road could not be completed due to resistence of some occupants of the structures lying on both sides of the road. It appears that some of the occupants have also obtained orders of status quo from the civil court. We are informed that the Corporation has now decided to enter into a settlement with the occupants so that the work of

road widening can proceed.

2. Prima facie it appears that the petitioner cannot be blamed for the delay and the delay has occurred mainly on account of court litigation. Therfore we asked Mr.Apte whether the time could be extended to enable the contractor to complete the work of construction of road. Mr Apte after taking instructions from the Corporation stated that the Corporation is willing to consider the suggestion made by the court and extend the contract for a suitable period. Thus nothing surives in the petition.

Petition is accordingly disposed of.